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PTO/SB/05 (08-00) (modified)

Approved for use through 9/30/2001, OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**NEW UTILITY
PATENT APPLICATION
TRANSMITTAL**

(only for new nonprovisional applications under
37 CFR 1.53(b))

Attorney Docket Number

18864-04962US

First Named Inventor

Robert J. Bernardi

Title

Auto-Adjust Noise Canceling
Microphone With Position Sensor

Express Mail Label No.

EL566201029US

APPLICATION ELEMENTS

1. ☒ Fee Transmittal Form (in duplicate)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27
3. ☒ Specification Total Pages **47**
(preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross Reference(s) to Related Case(s)
 - Statement Regarding Fed sponsored R & D
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawing(s)
 - Detailed Description
 - Claim or Claims
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) Total Sheets **8**
5. Oath or Declaration
 - a. ☒ New Declaration and Power of Attorney Total Pages **3**
☒ Unexecuted
 - b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & document(s))
8. ☐ Certified Copy of Priority Document(s) (if foreign priority
is claimed)
9. ☐ Power of Attorney or Authorization of Agent
10. ☐ 37 CFR 3.73(b) Statement
11. ☐ Preliminary Amendment
12. ☐ Information Disclosure Statement & PTO-1449
☐ Copies of IDS Citation(s)
13. ☒ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form
PTO/SB/35 or its equivalent
14. ☒ Return Postcard
15. ☐
16. ☐
17. ☐

ADDRESS TO:

**Box Patent Application
Commissioner for Patents
Washington, D.C. 20231**

18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: ____/____

Prior application information: Examiner: _____ Group/Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number and Bar Code Label



00758

Name (Print/Type)

Martin S.C. Loui

Registration No. (Attorney/Agent)

43,411

Signature

Martin S.C. Loui

Date

May 11, 2001

18864/04962/DOCS/1171754.1

EL566201029US

PTO/SB/17 (10-00)(modified)
 Approved for use through 09/29/01, OMB 0651-0032
 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0002/PTO(modified) U.S. Department of Commerce Rev. 10/2000 Patent and Trademark Office		Complete if Known	
FEE TRANSMITTAL TOTAL AMOUNT OF PAYMENT Subtotal (1) + Subtotal (2) + Subtotal (3) = (\$1024.00)		Application Number Not yet known	
		Filing Date May 11, 2001	
		First Named Inventor Robert J. Bemardi	
		Group Art Unit Not yet known	
		Examiner Name Not yet known	
		Attorney Docket Number 18864-04962US	

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																								
1. The Commissioner is hereby authorized to: <input type="checkbox"/> Charge the indicated fees to the below mentioned deposit account. <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. † <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27 Deposit Account Number: 19-2555 Deposit Account Name: FENWICK & WEST LLP A Duplicate Copy of this authorization is attached 2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Other	3. ADDITIONAL FEES <table style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Large Entity Fee Code/Fee</th> <th style="text-align: left; border-bottom: 1px solid black;">Small Entity Fee Code/Fee</th> <th style="text-align: left; border-bottom: 1px solid black;">Fee Description</th> <th style="text-align: left; border-bottom: 1px solid black;">Fee Due</th> </tr> <tr><td>105/\$130</td><td>205/\$65</td><td>Surcharge - late filing fee or oath</td><td><input type="text"/></td></tr> <tr><td>127/\$50</td><td>227/\$25</td><td>Surcharge-late provisional filing fee or cover sheet</td><td><input type="text"/></td></tr> <tr><td>147/\$2,520</td><td>147/\$2,520</td><td>For filing a request for reexamination</td><td><input type="text"/></td></tr> <tr><td>115/\$110</td><td>215/\$55</td><td>Extension for response within first month†</td><td><input type="text"/></td></tr> <tr><td>116/\$390</td><td>216/\$195</td><td>Extension for response within second month†</td><td><input type="text"/></td></tr> <tr><td>117/\$890</td><td>217/\$445</td><td>Extension for response within third month†</td><td><input type="text"/></td></tr> <tr><td>118/\$1,390</td><td>218/\$695</td><td>Extension for response within fourth month†</td><td><input type="text"/></td></tr> <tr><td>128/\$1,890</td><td>228/\$945</td><td>Extension for response within fifth month†</td><td><input type="text"/></td></tr> <tr><td>119/\$310</td><td>219/\$155</td><td>Notice of Appeal</td><td><input type="text"/></td></tr> <tr><td>141/\$1,240</td><td>241/\$620</td><td>Petition to revive unintentionally abandoned application</td><td><input type="text"/></td></tr> <tr><td>142/\$1,240</td><td>242/\$620</td><td>Utility Issue Fee (Or Reissue)</td><td><input type="text"/></td></tr> <tr><td>143/\$440</td><td>243/\$220</td><td>Design Issue Fee</td><td><input type="text"/></td></tr> <tr><td>122/\$130</td><td>122/\$130</td><td>Petitions to the Commissioner</td><td><input type="text"/></td></tr> <tr><td>126/\$180</td><td>126/\$180</td><td>Submission of Information Disclosure Statement</td><td><input type="text"/></td></tr> <tr><td>179/\$710</td><td>279/\$355</td><td>Request for Continued Examination (RCE)</td><td><input type="text"/></td></tr> <tr><td>581/\$40</td><td>581/\$40</td><td>Recording each patent assignment per property (times number of properties)</td><td><input type="text"/></td></tr> <tr><td>146/\$710</td><td>246/\$355</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td><input type="text"/></td></tr> <tr><td>149/\$710</td><td>249/\$355</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td><input type="text"/></td></tr> <tr><td colspan="2"></td><td>Other fee (specify):</td><td><input type="text"/></td></tr> <tr><td colspan="2"></td><td>Other fee (specify):</td><td><input type="text"/></td></tr> <tr> <td colspan="2"></td> <td style="text-align: right;">SUBTOTAL (3)</td> <td>(\$0.00)</td> </tr> </table>	Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due	105/\$130	205/\$65	Surcharge - late filing fee or oath	<input type="text"/>	127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet	<input type="text"/>	147/\$2,520	147/\$2,520	For filing a request for reexamination	<input type="text"/>	115/\$110	215/\$55	Extension for response within first month†	<input type="text"/>	116/\$390	216/\$195	Extension for response within second month†	<input type="text"/>	117/\$890	217/\$445	Extension for response within third month†	<input type="text"/>	118/\$1,390	218/\$695	Extension for response within fourth month†	<input type="text"/>	128/\$1,890	228/\$945	Extension for response within fifth month†	<input type="text"/>	119/\$310	219/\$155	Notice of Appeal	<input type="text"/>	141/\$1,240	241/\$620	Petition to revive unintentionally abandoned application	<input type="text"/>	142/\$1,240	242/\$620	Utility Issue Fee (Or Reissue)	<input type="text"/>	143/\$440	243/\$220	Design Issue Fee	<input type="text"/>	122/\$130	122/\$130	Petitions to the Commissioner	<input type="text"/>	126/\$180	126/\$180	Submission of Information Disclosure Statement	<input type="text"/>	179/\$710	279/\$355	Request for Continued Examination (RCE)	<input type="text"/>	581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	<input type="text"/>	146/\$710	246/\$355	Filing a submission after final rejection (37 CFR 1.129(a))	<input type="text"/>	149/\$710	249/\$355	For each additional invention to be examined (37 CFR 1.129(b))	<input type="text"/>			Other fee (specify):	<input type="text"/>			Other fee (specify):	<input type="text"/>			SUBTOTAL (3)	(\$0.00)
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(Col. 1)		(Col. 2)		(Col. 3)				
For	No. of Existing Claims	Highest No. Previously Paid For	=	Extra**	x	Fee	=	Fee Due
TOTAL	33	20 or 0	=	13	x	18	=	234
INDEP	4	3 or 0	=	1	x	80	=	80
<input type="checkbox"/> First presentation of multiple dependent claim								

SUBTOTAL (2) **(\$314)**

* Subtract the greater number of Col. 2
 ** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3

SUBMITTED BY		Complete (if applicable)	
Typed or Printed Name	Martin S.C. Loui	Reg. Number	43,411
Signature		Date	May 11, 2001

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.


**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Robert J. Bernardi
Title	Auto-Adjust Noise Canceling Microphone With Position Sensor
Atty Docket Number	18864-04962US

I hereby certify that the invention disclosed in the attached application **has not been and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

May 11, 2001

Date



Signature

Martin S.C. Loui/Reg. No. 43,411

Typed or printed name/Registration Number

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231. 18864/04962/DOCS/1171787.1

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